

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM GERMAN,	§
	§
Defendant Below,	§ No. 221, 2023
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1706013188(N)
	§
Appellee.	§

Submitted: September 6, 2023
Decided: September 12, 2023

ORDER

(1) On June 20, 2023, the appellant filed a document indicating that he wanted to appeal, which the Clerk's office deemed to be a notice of appeal from a Superior Court violation of probation sentence order dated June 1, 2023. The Clerk's office sent the appellant correspondence on several occasions directing him to complete and sign an official Form A notice of appeal and to pay the filing fee or to file a motion and affidavit to proceed *in forma pauperis*; the postal service returned the correspondence as undeliverable and unable to be forwarded.

(2) On August 15, 2023, the Chief Deputy Clerk issued a notice, by certified mail, directing the appellant to show cause why the Court should not dismiss the appeal for the appellant's failure to diligently prosecute the appeal by either paying the Supreme Court filing fee or filing a motion to proceed *in forma*

pauperis. The notice to show cause directed the appellant to respond within ten days and advised that if the appellant did not respond, dismissal of the appeal would be deemed to be unopposed. On September 5, 2023, postal records indicated that the notice to show cause had arrived at the local post office on August 17, 2023, and was being held for pick up, but the appellant had not retrieved it. The Chief Deputy Clerk resent the notice to show cause by first-class mail. The postal service returned the reissued notice to show cause, indicating that delivery had been attempted and the item could not be forwarded.

(3) The appellant having failed to respond to the notice to show cause within the required ten-day period, dismissal of this action is deemed to be unopposed.

(4) NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice